

REMARKS

This responds to the Office Action mailed on August 9, 2007, and the references cited therewith.

Claims 1, 2, 8 and 9 are amended. Claim 10 and claims 12-23 are cancelled.

Claims 1 and 2 are now amended to provide that the safety sign is attached to one or more vehicles *"wherein the safety sign is attached to a rear end of the vehicle so that at least one portion of the safety sign is proximate the driver's side of the vehicle to allow a driver behind the vehicle to be able to locate the rear and driver's side edge of the vehicle based on the visibility of the safety sign"*, and further *"wherein the formation of the vehicles provides that at least two of the vehicles are at least partially laterally offset from one another with respect to a direction of travel."* Figure 7 shows this position of the sign 724.

Claim 8 has been amended so that it now calls for attaching the safety sign to a transportation vehicle carrying an oversized load *"wherein the safety sign is attached to a rear end of the vehicle so that the safety sign extends from one proximate the driver's side of the vehicle to another end proximate the passengers side of the vehicle to allow a driver behind the vehicle to be able to locate the rear and the driver's side edge and the passenger's side edge of the vehicle based on the visibility of the safety sign."*

Claim 9 has been amended to specify that *"there is at least one more vehicle driven in front of the vehicle and the at least one more vehicle includes a safety sign attached to the front of the transportation vehicle."*

§103 Rejection of the Claims

Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rosa (U.S. Patent No. 5,518,561) in view of Flatin et al. (U.S. Patent No. 5,426,414) as applied to Claim 2 above, and further in view of Fuller (U.S. Patent No. 2,983,914).

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rosa (U.S. Patent No. 5,518,561) in view of Flatin et al. (U.S. Patent No. 5,426,414) as applied to Claim 2 above, and further in view of Chien (U.S. Patent No. 5,775,016).

Claims 6-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rosa (U.S. Patent No. 5,518,561) in view of Flatin et al. (U.S. Patent No. 5,426,414) as applied to Claim 2 above, and further in view of the applicant's admitted prior art.

Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rosa (U.S. Patent No. 5,518,561) in view of Werner (U.S. Patent No. 6,195,925) as applied to Claim 8 above, and further in view of Fernandez (U.S. Patent No. 5,434,013).

Claim 1 was rejected under 35 U.S.C. 103(a) as being unpatentable over Rosa (U.S. Patent 5,518,561) in view of Flatin et al. (U.S. Patent 5,426,414). This rejection is respectfully traversed. The examiner alleges that Rosa inherently discloses "Driving the vehicle(s) in a formation on the road" wherein the safety sign{s} are visible to provide guidance for the vehicle(s) [Abstract; Column 5, Lines 32-38]. However, the examiner admits that Rosa does not specifically teach driving at least two vehicles in a formation on the road, wherein the safety signs are visible to provide guidance for the vehicles. This teaching is allegedly provided by Flatin, which is quoted: "Various long length commercial vehicles, such as tractor-trailer combinations, buses, trucks, recreational vehicles, and the like, present potentially hazardous situations to persons following behind these vehicles... It is therefore a general object of the present invention to provide an improved auxiliary signal device for the rear of commercial vehicles to warn following traffic of various potential hazards. Another object of the present invention is to provide an auxiliary signal device which will alert following traffic of the specific action being taken by the commercial vehicle" [Column 1, Lines 11-14, 49-56].

Flatin, however, teaches an **improved auxiliary signal device**. Flatin does not teach the use of such a device to allow vehicles to align with one another while driving in formation, and in fact Flatin shows the signaling device proximate the middle of the vehicle on the back in Figure 1, which is a position that would not be particularly useful to a driver following behind to use to key off of for aligning in formation, if the formation requires a lateral offset as is not required by claims 1 and 2. Further, visibility in inclement conditions, or night time conditions, is facilitated by the use of EL lighting, which is not taught by Flatin.

Accordingly, even if Rosa was combined with Flatin, the Applicant's claimed invention would not result. Rather, the result would more likely be a small signaling sign on the back of the vehicle that was illuminated with EL, which is not what the Applicant is claiming, but even that the Applicant does not admit is obvious from the combination as alleged. Even more so, there is no teaching in any of the references of driving vehicles in a formation in combination with the arrangement of the safety sign on the vehicle as specifically enumerated in claim 1. Accordingly, reconsideration of claim 1 is respectfully requested.

Claims 2 and 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rosa (U.S. Patent No. 5,518,561) in view of Flatin et al. (U.S. Patent No. 5,426,414). Claim 2 includes all of limitations argued above with respect to claim 1 and therefore claim 2 is allowable over this combination of references for the same reasons given for claim 1. Give the allowability of the base claim 2, claim 4 is also allowable as containing the same limitations and more. Accordingly, reconsideration and allowance of claims 2 and 4 is respectfully requested. Further, reconsideration and allowance of all other claims dependent on claims 1 and 2 is also respectfully requested, as those claims are allowable for the same reasons as the base claims, and more.

Claims 8-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rosa (U.S. Patent No. 5,518,561) in view of Werner (U.S. Patent No. 6,195,925). The examiner admits that Rosa does not specifically teach the transportation vehicle carrying an oversized load. The Applicant does not contest that Werner teaches the use of a conventional, non-illuminated sign, in this case a foldable placard sign attached to the bumper on the front of a vehicle, such that it becomes part of the bumper when it is folded up. In addition, Werner teaches the use of flags attached to the vehicle on the sides to fly in the wind as the vehicle moves down the freeway. For example, Werner states in the Summary:

"The present invention has obtained these objects. It provides for a foldable placard which is attachable to the front end of a highway truck. In the preferred embodiment, the foldable placard is attached to the truck's front bumper in such a way so as not to interfere with engine air flow or with headlights, turn signal lights or running lights. The placard, attached longitudinally along the front bumper is foldable along its

longitudinal length. When closed, the placard essentially becomes part of the bumper. When opened, the placard displays a warning sign to oncoming traffic.

With the placard in its open position, a flag receiving fixture attached to the placard allows a conically shaped flag and flag holder to be received within the fixture. In an alternative embodiment, the flag fixture is functionally adapted to receive the flag from various angles such that the flag can be flown at its most effective angle for warning traffic of the approaching wide load. In another alternative embodiment, the flag fixture may be attachable to other parts of the truck and, in this fashion, may be used in conjunction with the warning placard. The foregoing and other features of the assembly of the present invention will be further apparent from the description which follows.”

The Applicant’s claim 8, however, recites the use of an EL illuminated sign where there is a *pattern* attached to an EL lighting surface to provide a *visual safety message*, and further the safety sign is attached to a transportation vehicle carrying an oversized load, wherein the safety sign is attached to a “*rear end of the vehicle so that the safety sign extends from one proximate the driver’s side of the vehicle to another end proximate the passengers side of the vehicle to allow a driver behind the vehicle to be able to locate the rear and the driver’s side edge and the passenger’s side edge of the vehicle based on the visibility of the safety sign*”, wherein the vehicle is driven and the sign is situated to “*alert drivers behind the vehicle to the sides of the vehicle.*”

There is no teaching in Werner to provide a sign on the back of an oversized vehicle, so as to alert drivers behind the vehicle. Further, Werner does not teach any use of an illuminated sign, but rather a non-illuminated sign in combination with flags attached to the sides of the vehicle. Still further, if Werner were combined with the teachings of Rosa, the logical result is a folded placard sign illuminated with EL and attached to the front bumper, with flags also flying on the sides of the vehicle, not the Applicant’s invention which provides for an EL illuminated sign on the rear of the vehicle to warn drivers approaching behind the vehicle. Accordingly, reconsideration and allowance of claim 8, and its dependent claims 9 and 11, is respectfully requested.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6902 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 2 day of February 2007.

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